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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEFAN W. KIRKEBY,

Defendant.

CASE NO. 1:22-CR-00228-JLT-SKO

STIPULATION TO CONTINUE MOTION
HEARING; ORDER

DATE: August 12, 2024
TIME: 9:00 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for hearing of defendant's motion on August 12, 2024.
2. By this stipulation, defendant and government now move to continue the motion hearing until September 16, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The defendant has entered a plea in this matter and has filed a motion seeking to withdraw his plea. Defendant is pending sentencing.
 - b) Counsel for government needs additional time to consider defendant's counter proposal and prepare the response to the motion.

c) Counsel for defendant does not object to the requested continuance of the motion in this matter.

4. The parties request the following briefing schedule:

a) Government's response will be filed on or about August 30, 2024.

b) Defendant's reply, if any, will be filed on or about September 9, 2024.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 7, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ LAUREL J. MONTOYA
LAUREL J. MONTOYA
Assistant United States Attorney

Dated: August 7, 2024

/s/ ANTHONY P. CAPOZZI
ANTHONY P. CAPOZZI
Counsel for Defendant
STEFAN W. KIRKEBY

FINDINGS AND ORDER

IT IS SO FOUND that the ends of justice are served by requested continuance.

IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best interest of the public and the defendant.

IT IS ORDERED that the motion hearing set for August 12, 2024 is continued to September 16, 2024. **The Court will not grant another extension made by stipulation.**

DATED: August 8, 2024


THE HONORABLE JENNIFER L. THURSTON
UNITED STATES DISTRICT JUDGE